

Message

From: Schwab, Justin [Schwab.Justin@epa.gov]
Sent: 8/28/2018 9:02:51 PM
To: Dorka, Lilian [Dorka.Lilian@epa.gov]
CC: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Minoli, Kevin [Minoli.Kevin@epa.gov]; Albores, Richard [Albores.Richard@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]
Subject: Re: RESPONSE REQUESTED BY TUESDAY 8/28/18: Environmental Conditions in America's Schools

Please send the first section (Activities Already Underway) via SharePoint.

Sent from my iPhone

On Aug 28, 2018, at 4:26 PM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

Hello Matt, Kevin and Justin,

Just a reminder that all responses are due today. Have you had a chance to review? Thanks very much.

Sent from my iPhone

Lilian S. Dorka, Director
 External Civil Rights Compliance Office
 Office of General Counsel
 Environmental Protection Agency
 202-564-9649

On Aug 27, 2018, at 6:45 PM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

Hello Matt, Kevin and Justin,

In his email, Henry Darwin asked for "an inventory of EPA activities already underway, as well as additional activities EPA could pursue to improve health and environmental conditions in America's schools if we received additional authority, resources or reprioritized our work." We think that ECRCO might have important information to contribute - both with respect to activities underway as well as additional activities where we might be able to contribute to the improvement of the "health and environmental conditions in America's schools." The issue of Risk Communication is also particularly important here as we find that many of the communities impacted by the civil rights complaints we handle are often misinformed or not informed at all about important risk and other environmental information. In this case, ensuring that minority parents and parents of kids with disabilities who might be most impacted by certain school environmental issues, would be of particular interest to ECRCO. The following is for your consideration. If you agree with any of our suggestions, we would be pleased to submit those via the SharePoint Spreadsheet – **DUE Tuesday, 8/28**. Thanks! Lilian

Activities Already Underway

We have at least one pending complaint that raises issues related to environmental conditions affecting schools. In March, 2017, ECRCO accepted for investigation

a complaint filed against the Hawaii Department of Agriculture (HDOA) and the Hawaii Agribusiness Development Corporation (ADC). ECRCO is investigating:

Whether in administering the pesticides program and the leasing and licensing of the state land program the HDOA and/or ADC discriminated on the basis of race and/or national origin (Native Hawaiians) against farm workers and residents of West Kaua'i and Moloka'i, in violation of Title VI of the Civil Rights Act, and EPA's implementing regulation; and

Whether the HDOA and/or ADC is complying with the procedural safeguard provisions in 40 C.F.R. Part 7 Subpart D which require recipients of EPA financial assistance to have specific policies and procedures in place to comply with their non-discrimination obligations.

The complainants (Earthjustice) raised a number of specific issues, some relating to schools, such as:

Ex. 5 AC/DP

Additional Activities

1. **Complaint and technical assistance coordination:** ECRCO does receive complaints against school systems (and also against environmental agencies) alleging discrimination against minority students or students with disabilities who have allegedly suffered harm due environmental conditions at or near schools. However, as school systems typically do not receive federal funding from EPA, we can't accept those complaints for investigation, even when they raise environmental issues. Also, when the complaints are filed against environmental agencies that do receive EPA assistance, the actions leading up to the "alleged discriminatory acts" are actually under the purview of the educational systems and we are unable to address those through our recipients. Many of these complaints are also filed with the US Department of ED's Office for Civil Rights. However, we find that if ED accepts those complaints, often they will only accept the "educational" civil rights issues and not the environmental issues. The risk is that some of these school environmental issues that have civil rights implications may be going unaddressed.

ECRCO proposes we develop an MOU with ED's OCR to work together on complaints filed against School Districts or even against state or local environmental agencies, that raise issues relating to environmental stressors/exposures to environmental risks and schools. There is a natural connection between that issue and the issue of academic performance and even lack of comparable resources (healthy school buildings and infrastructure) for minority students that are issues of focus for ED OCR. The civil rights issues may involve schools that are predominantly minority or affect primarily minority students as well as students with disabilities. We find that there is often an overlap between the population of minority students and certain disabilities that can be particularly affected by certain environmental stressors. This partnership with ED OCR would provide important information to assist this schools initiative and also potentially impact issues are may be unaddressed from a civil rights perspective. To the extent that more extensive assistance might be required for affected schools, school districts or communities, ECRCO could work with and receive assistance from OEJ as well as the environmental justice programs in the regional offices.

2- **Leveraging resources within EPA to ensure a well-informed and holistic approach to school environmental issues and vulnerable**

communities: ECRCO is aware of several EPA initiatives that specifically or potentially affect "underserved communities" and the increased sensitivity of these children to environmental stressors and potential for higher exposures to environmental risks. Particularly, we are aware that EPA's Lead Initiative is currently working with OEJ, ORD and OCSPP to identify risk factors that would inform the mapping of lead exposure among children and targeting specific variables, such as schools, and certain populations of children. Haley Hughes, who currently heads that initiative, has suggested that ECRCO's involvement would be beneficial in identifying potential risk factors, from a civil rights perspective, that would assist with that mapping, and that information we might be able to contribute as a result of our complaints (and our partnering with ED's OCR) would bring an important perspective to the lead initiative relative to schools and communities. ECRCO would be pleased to join in that effort.

3- Empowering parents and communities with environmental information about their schools: ECRCO proposes the development of a EPA clearinghouse that would be a web-based application where parents and others can identify environmental concerns existing in America's schools. EPA could become a place parents can turn to, to learn about the environmental health of their children's schools. A particular focus could be given to school districts with older infrastructure and/or underserved populations. The data base could start by gathering data that may already exist at the state or local level with respect to "Indoor Air Quality" and schools, the "lead health" of schools in states that have already decided to mandate lead monitoring in schools (such as Arizona – one of the first, and Maryland most recently). Another angle might be to use a portion of the funding appropriated for lead in drinking water in schools (OW) to fund specific grants for the purpose of gathering lead in drinking water data related to schools.

Lilian Sotolongo Dorka, Director
 External Civil Rights Compliance Office
 Office of General Counsel
 U.S. Environmental Protection Agency
 202-564-9649

-----Original Message-----

From: Leopold, Matt (OGC)
 Sent: Friday, August 24, 2018 5:49 PM
 To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
 Cc: Albores, Richard <Albores.Richard@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>
 Subject: RE: RESPONSE REQUESTED: Environmental Conditions in America's Schools

Hi Lilian, yes feel free to submit your ideas by Monday COB.

Thanks, Matt

-----Original Message-----

From: Dorka, Lilian
 Sent: Friday, August 24, 2018 2:57 PM
 To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
 Cc: Albores, Richard <Albores.Richard@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>
 Subject: RE: RESPONSE REQUESTED: Environmental Conditions in America's Schools

Hi Matt, Kevin, and Justin,

ECRCO is very interested in this policy initiative. We would like to submit some proposed activities for your consideration. The issue of environmental health impacts on minority students - as well as students with disabilities (as a result of environmental hazards near or at schools) has come up in several of our complaints. We are working on some ideas and would like to run them by you.

The "spreadsheet" input is due by COB Tuesday. OK to submit our thoughts to Kevin and Justin by COB Monday?

Thanks very much!

Lilian

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-9649

-----Original Message-----

From: Leopold, Matt (OGC)

Sent: Friday, August 24, 2018 1:14 PM

To: Albores, Richard <Albores.Richard@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Briskin, Jeanne <Briskin.Jeanne@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Lattimore, Kraig <lattimore.kraig@epa.gov>; Lee, Terry <lee.terry@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FW: RESPONSE REQUESTED: Environmental Conditions in America's Schools

Hello All,

I don't know if OGC has anything specific to contribute to this policy initiative, but I wanted to pass it along for awareness.

Thank you, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

-----Original Message-----

From: Darwin, Henry

Sent: Friday, August 24, 2018 10:45 AM

To: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Winchester, Erik <Winchester.Erik@epa.gov>; Ellis, Frank <Ellis.Frank@epa.gov>; Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Swetland-Johnson, Karen <Swetland-Johnson.Karen@epa.gov>; Grossarth, Shari <Grossarth.Shari@epa.gov>; Dalbey, Matthew <Dalbey.Matthew@epa.gov>; Etzel, Ruth <Etzel.Ruth@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Davis, CatherineM <Davis.CatherineM@epa.gov>; Hughes, Hayley <hughes.hayley@epa.gov>

Cc: Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Johnson, Laura-S <Johnson.Laura-S@epa.gov>; Sauerhage, Maggie <Sauerhage.Maggie@epa.gov>; Burton, Tamika <burton.tamika@epa.gov>; Pritchard, Eileen <Pritchard.Eileen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Leadership_Assistant_Administators <Leadership_Assistant_Administators@epa.gov>;

Leadership_Deputy_Assistant_Administrators

<Leadership_Deputy_Assistant_Administrators@epa.gov>; Molina, Michael

<molina.michael@epa.gov>; DeBell, Kevin <debell.kevin@epa.gov>

Subject: RESPONSE REQUESTED: Environmental Conditions in America's Schools

Hello all:

Acting Administrator Wheeler has a very strong interest in improving the environmental health of America's schools. This week, he requested an inventory of EPA activities already underway, as well as additional activities EPA could pursue to improve health and environmental conditions in America's schools if we received additional authority, resources or reprioritized our work. The Acting Administrator has asked me to assist him in this effort.

EPA has recognized and communicated the link between school environments and the health and academic success of children (<https://www.epa.gov/schools>) Environmental hazards in schools can negatively impact the health of students and staff as well as attendance, concentration, and academic performance. The increased sensitivity of children to environmental stressors and potential for higher exposures to environmental risks among underserved communities adds additional urgency to this challenge.

We will move quickly to provide Acting Administrator Wheeler with options for improving environmental conditions in our schools. As a first step toward to accomplishing this, I request that you please complete this spreadsheet <https://usepa.sharepoint.com/:x/r/sites/OA_Work/measures_reporting/_layouts/15/Doc.aspx?sourcedoc=%7BE7E7771A-FC7D-4DF3-A28B-D5894A38E623%7D&file=2018%2008%2024%20Schools%20Initiative%20Inventory.xlsx&action=default&mobileredirect=true> of current and potential activities by COB Tuesday, August 28. We will review this inventory to identify the most promising options for the agency. We will then confer with you to determine our collective path forward. I assure you that we will carefully consider your perspectives before making final decisions.

If you have any questions about this request, please contact Kevin DeBell (debell.kevin@epa.gov <<mailto:debell.kevin@epa.gov>> , 202 566 1931). Thank you very much for your assistance and effort.

Henry